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1641

PATENT
Attorney Docket No. STK-081
(7557/65)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Chubinskaya *et al.*
SERIAL NO.: 10/081,163 GROUP NO.: 1641
FILING DATE: February 20, 2002 EXAMINER: Not yet assigned
TITLE: Methods of Using Bone Morphogenic Proteins as Biomarkers for
Determining Cartilage Degeneration and Aging

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, Washington, DC 20231, on this 30th day of December, 2002.

December 30, 2002
Date

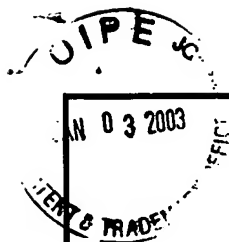
Brenda T. Kowalczyk
Brenda T. Kowalczyk

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

Transmittal Form (1 pg.); Supplemental Information Disclosure Statement (2 pgs.); PTO-1449 (1 pg.); Cited Art A3-A5 and B1-B14; this Certificate of First Class Mailing and return receipt postcard.



TRANSMITTAL FORM

Application Serial Number	10/081,163
Filing Date	February 20, 2002
First Named Inventor	Chubinskaya
Group Art Unit	1641
Examiner Name	Not yet assigned
Attorney Docket No.	STK-081
Patent No.	Not applicable
Issue Date	Not applicable

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ENCLOSURES (check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Check Attached
<input type="checkbox"/> Copy of Fee Transmittal Form

<input type="checkbox"/> Amendment/Response
<input type="checkbox"/> Preliminary
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]

<input type="checkbox"/> Petition for Extension of Time

<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement
<input checked="" type="checkbox"/> Form PTO-1449
<input checked="" type="checkbox"/> Copies of IDS Citations

<input type="checkbox"/> Certified Copy of Priority Document(s)

<input type="checkbox"/> Sequence Listing submission
<input type="checkbox"/> Paper Copy/CD
<input type="checkbox"/> Computer Readable Copy
<input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)

<input type="checkbox"/> Formal Drawing(s)

<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal

<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application

<input type="checkbox"/> Small Entity Statement

<input type="checkbox"/> CD(s) for large table or computer program

<input type="checkbox"/> Amendment After Allowance

<input type="checkbox"/> Request for Certificate of Correction
<input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences

<input type="checkbox"/> Appeal Brief (in triplicate)

<input type="checkbox"/> Status Inquiry

<input checked="" type="checkbox"/> Return Receipt Postcard

<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8

<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8

<input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|--|--|---|

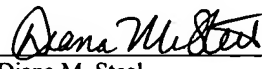
CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
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SIGNATURE BLOCK

Respectfully submitted,

Date: December 30, 2002
Reg. No. 43,153
Tel. No.: (617) 310-8168
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Diana M. Steel
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PATENT
Atty. Docket No. STK-081
(7557/65)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Chubinskaya *et al.*
SERIAL NO.: 10/081,163 GROUP NO.: 1645
FILED: February 20, 2002 EXAMINER: Not yet assigned
TITLE: Methods of Using Bone Morphogenic Proteins as Biomarkers for
Determining Cartilage Degeneration and Aging

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

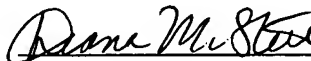
It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,



Diana M. Steel
Attorney for Applicants
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125 High Street
Boston, Massachusetts 02110

Date: December 30, 2002
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FORM PTO - 1449

INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: STK-081

APPLICANTS: Chubinskaya *et al.*

SERIAL NO.: 10/081,163

FILING DATE: February 20, 2002

GROUP: 1645

U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A3	4,857,456	08/15/89	Urist	435	7	
	A4	5,834,179	11/10/98	Jones et al.	435	4	
	A5	6,171,586 B1	01/09/01	Lam et al.	424	130.1	

FOREIGN PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG Y/N
	B1 ^B	93/04692	03/18/93	WO					Y
	B2 ^W	99/60164	11/25/99	WO					Y
	B3 ⁹	00/04183	01/27/00	WO					Y
	B4 ^W	00/61774	10/19/00	WO					Y
	B5 ^W	00/73509 A2	12/07/00	WO					Y
	B6 ^W	01/07067 A2	02/01/01	WO					Y
	B7 ^W	01/20018 A2	03/22/01	WO					Y
	B8 ^W	01/21836 A2	03/29/01	WO					Y
	B9 ⁹	01/53531 A2	07/26/01	WO					Y
	B10 ^W	01/62927 A2	08/30/01	WO					Y
	B11 ^W	01/87323 A2	11/22/01	WO					Y
	B12 ^W	02/06534 A2	01/24/02	WO					Y
	B13 ^W	0 561 297 B1	10/14/98	EP					Y
	B14 ^W	0 601 106 B1	05/17/00	EP					Y

EXAMINER

DATE CONSIDERED